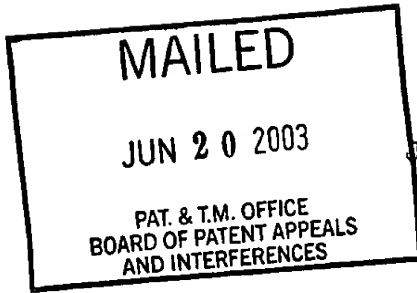


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte JAMES R. EVANS,
JAMES W. FINKOWSKI and GENE A. RUSSEL

Application No. 09/241,508

ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on June 9, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On November 12, 2002, appellants filed a Request for One-Month Extension of Time (Paper No. 23) and an Appeal Brief (Paper No. 24). While the Patent and Trademark Office records reflect payment of the \$110 one-month extension of time on November 13, 2002, it appears that the Appeal Brief fee of \$320

Application 09/241,508

was never charged. Page 1 of the Appeal brief states that "[s]hould any further fee be required, the Commissioner is hereby authorized to charge Kagan Binder Deposit Account No. 50-1775 and thereafter notify us of the same."

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for a \$320 charge to be made to Kagan Binder Deposit Account No. 50-1775 to ensure that they have timely paid the Appeal Brief fee required by 37 CFR § 1.17 (2002); and

2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


DALE SHAW

Program and Resource Administrator
(703) 308-9797

cc: Kagan Binder, PLLC
Suite 200, Maple Island Building
221 Main Street North
Stillwater, MN 55082

ds/psb/lrc
RA030385